
OLR Bill Analysis

sHB 5588

AN ACT CONCERNING BAIL BONDS.

SUMMARY:

This bill makes numerous changes relating to bail bonds in criminal cases, including:

1. allowing a surety to apply to the court to be released from a bond after a principal absconds;
2. allowing a court to extend, for good cause, the required six-month stay of execution on a bond forfeiture order when an accused fails to appear in court;
3. automatically terminating a bond and releasing a surety when an accused voluntarily returns between five business days and six months after a bond forfeiture order; and
4. requiring the court to vacate a bond and release a professional bondsman or surety bail bond agent and insurer upon satisfactory proof that the accused is held by a federal agency or removed by U.S. Immigration and Customs Enforcement (ICE), if the prosecutor does not seek extradition.

The bill also makes technical changes.

EFFECTIVE DATE: October 1, 2014

ABSCONDING PRINCIPAL

The law requires a surety to apply to the Superior Court when he or she believes the principal on the bond will abscond, and the court must issue an order to take the person into custody. The principal's surrender discharges the bond. The bill allows (1) the surety to apply to the court in writing to be released from a bond after a principal

absconds and within six months of a bond forfeiture order and (2) a judge to release a surety for good cause.

EXTENDING STAY OF FORFEITURE ORDER

When someone deposits cash or pledges real property equal to the amount of a bond or a person posts a surety bond of \$500 or more, the law requires the court to (1) order the bond forfeited if the accused does not appear in court and (2) issue a rearrest warrant. As under existing law, the court must stay execution of the forfeiture for six months and, if the person returns to custody during that period, automatically terminate the bond and release the surety or person who offered cash bail or pledged real property on behalf of the accused.

The bill allows the court to extend the stay of execution for good cause and automatically terminates the bond if the person is returned during this extended period.

VOLUNTARY RETURN BY THE ACCUSED

By law, if an accused person voluntarily returns to court within five days after an order forfeiting a surety bond of \$500 or more, the court can vacate the forfeiture order and reinstate the bond if the failure to appear was not willful.

If the person returns voluntarily more than five business days but less than six months after the forfeiture order, the bill requires the court to (1) automatically terminate the bond, (2) release the surety, and (3) order the person's new conditions of release.

ACCUSED HELD BY FEDERAL AGENCY OR REMOVED BY ICE

By law, the court must vacate a bond forfeiture order and release a professional bondsman or surety bail bond agent and insurer who posted a bond for the accused when the (1) accused is held in another state, territory, or country; (2) bondsman, agent, or insurer provides proof of the accused's detention; and (3) prosecutor does not seek to extradite the accused. The bill also requires the court to vacate a bond forfeiture order and release these individuals if the accused is held by a federal agency or is removed by ICE.

The bill specifies that the court must find that the proof that one of these circumstances exists is satisfactory before vacating a bond and releasing a bondsman, agent, or insurer.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 40 Nay 0 (04/02/2014)